

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Lim Or Sim et al.
Serial No. : 09/763,338 Examiner: To be Assigned
Filing Date : February 16, 2001 Group Art Unit: To be Assigned
Title : NETWORK RESOURCE MONITORING AND
MEASUREMENT SYSTEM AND METHOD

BOX MISSING PARTS

Commissioner of Patents
Washington, D.C. 20231

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

Sir:

The undersigned is empowered to act on behalf of RED SHERIFF, LIMITED, an Australian corporation, and hereby certifies that RED SHERIFF, LIMITED, is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of the following transfer relating to the priority Australian Patent Application No. PQ2063 and the right to file further applications for inventions described therein:

- an Assignment from Lim Or Sim, Yee Han Cheong, Andrew Lawrence Jarrett, Shefik Bey, Anothony Roger Austace, and Matthew James Pettit to RED SHERIFF LIMITED, dated August 7, 2000.

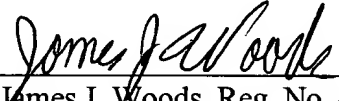
A Copy of this Assignment is attached hereto.

The undersigned has reviewed all of the documents in the chain of title of the above-identified patent application and, to the best of the undersigned's knowledge and belief, title is in the Assignee RED SHERIFF, LIMITED.

The undersigned hereby declares that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.


Respectfully submitted,

Dated: April 8, 2002



James J. Woods, Reg. No. 47,184
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Commissioner for Patents, Washington, D.C. 20231



James J. Woods, Reg. No. 47,184

4/8/02
Date

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(COMPLETE IF KNOWN)

International Application Number	PCT/AU00/00937
International Filing Date	August 7, 2000
U.S. Application No.	09/763,338
Group Art Unit	
Examiner	

Attorney Docket Number	4670/1
First Named Inventor	Sim

This declaration is (*check one*):

- ☐ submitted with initial filing;
☒ submitted after initial filing;
☐ a supplemental declaration.

This application is of the following type:

- ☒ utility;
☐ design;
☒ national stage of PCT;
☐ divisional, continuation or continuation-in-part.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled.

NETWORK RESOURCE MONITORING AND MEASUREMENT SYSTEM AND METHOD
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the specification of which: (*check one*)

- ☐ is attached hereto; or
☒ was filed on as U.S. Application Serial No. 09/763,338 and is/was amended on February 16, 2001;
☒ was described and claimed in PCT International Application No. PCT/AU00/00937, filed on August 7, 2000.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (*if any*):

Foreign/PCT Application Number	Country	Filed	Priority Claimed	
PCT/AU00/00937	PCT	8/7/00	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
PQ2063	Australia	8/6/99	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (*if any*):

Provisional Application No.	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S./PCT Parent Application No.	Filing Date	Status (<i>Patented, Pending, or Abandoned</i>)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Seth H. Ostrow, Reg. No. 37,410
Jonathan T. Kaplan, Reg. No. 38,935
Leslie Restaino, Reg. No. 38,893
Matthew J. Marquardt, Reg. No. 40,997
Michael Malish, Reg. No. 41,968
Frederick Yu, Reg. No. 45,251
James W. Woods, Reg. No. 47,184

Frank J. DeRosa, Reg. No. 26,543
Pamela G. Maher, Reg. No. 40,712
Ralph F. Hoppin, Reg. No. 38,494
Katrine A. Levin, Reg. No. 41,941
Silvana Merlino, Reg. No. 44,237
Brooke W. Quist, Reg. No. 45,030
Mauri Aven, Reg. No. 42,275


Direct all correspondence to:

Brown Raysman Millstein Felder & Steiner LLP
900 Third Avenue
New York, New York 10022

Direct all telephone calls to:

(212) 895-2000

Signing on behalf of Applicant RED SHERIFF, LIMITED:


James J. Woods, Reg. No. 47,184

Dated: 4/8/02

BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

Full Name First Joint Inventor	Lim Or Sim		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Malaysia
Post Office Address	19 Haversham Avenue, Wheelers Hill, Victoria 3150, Australia		

Full Name of Second Joint Inventor	Yee Han Cheong		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Malaysia
Post Office Address	19 Haversham Avenue, Wheelers Hill, Victoria 3150, Australia		

Full Name of Third Joint Inventor	Andrew Lawrence Jarrett		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Australia

Post Office Address	7 Liberty Avenue, Rowville, Victoria 3178, Australia
---------------------	--

Full Name of Fourth Joint Inventor	Shefik Bey		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Australia
Post Office Address	12 Cromwell Crescent, South Yarra, Victoria 3141, Australia		

(check one) Sheets containing additional joint inventors ☒ are, ☐ are not attached hereto.

Full Name of Fourth Joint Inventor	Anthony Roger Eustace		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Australia
Post Office Address	233 Highett Street, Richmond, Victoria 3121, Australia		

Full Name of Fourth Joint Inventor	Matthew James Pettit		
Inventor's Signature		Date	
Residence	Victoria, Australia	Citizenship	Australia
Post Office Address	14 Currajong Avenue, Camberwell, Victoria 3124, Australia		

(check one) Sheets containing additional joint inventors ☐ are, ☒ are not attached hereto.

ASSIGNMENT

THIS DEED OF ASSIGNMENT is made on the date set out in the Schedule hereto between the parties identified in the Schedule hereto as Assignor and Assignee

WHEREAS the Assignor is in possession of Intellectual Property as set out in the Schedule hereto and the Assignor has agreed to assign its whole right title and interest in and to said Intellectual Property to the Assignee

THIS DEED WITNESSES as follows:

1. That in consideration of the sum of Ten Dollars Australian currency (A\$10.00) and other good and valuable consideration, the receipt whereof by the Assignor from the Assignee is hereby acknowledged, the Assignor hereby assigns and the Assignee hereby accepts the Assignor's whole right title and interest in and to said Intellectual Property together with full right sole power and authority to the Assignee to apply for and obtain entry of the Assignee's name in such Registers of Intellectual Property as shall be appropriate as being the sole proprietor of said Intellectual Property.
2. The Assignor agrees that the Assignor will execute any and all necessary documents to enable the Assignee to have the Assignee entered in such Registers of Intellectual Property as shall be appropriate as being the sole proprietor of said Intellectual Property.

SCHEDULE

Date of Assignment: 7 August 2000

Assignors:

Lim Or SIM; Yee Han CHEONG; Andrew Lawrence JARRETT; Shefik BEY; Anthony Roger EUSTACE and Matthew James PETTIT of 19 Haversham Avenue, Wheelers Hill, Victoria 3150, Australia; 19 Haversham Avenue, Wheelers Hill, Victoria 3150, Australia; 7 Liberty Avenue, Rowville, Victoria 3178, Australia; 12 Cromwell Crescent, South Yarra, Victoria 3141, Australia, 233 Highett Street, Richmond, Victoria 3121, Australia and 14 Currajong Avenue, Camberwell, Victoria 3124, Australia respectively

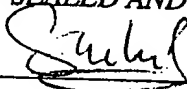
Assignee:

RED SHERIFF LIMITED, A.C.N. 081 796 287, of Level 7, 10 Queens Road, Melbourne, Victoria 3004, Australia

Intellectual Property:

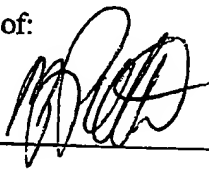
Australian Patent Application No. PQ2063 filed on 6 August 1999 entitled "NETWORK USER MEASUREMENT SYSTEM AND METHOD" and the right to file further applications for inventions described therein.

SIGNED SEALED AND DELIVERED by Lim Or SIM



Lim Or Sim

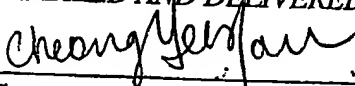
in the presence of:



Witness

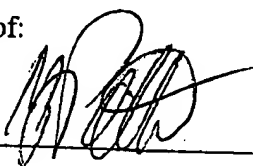
.....

SIGNED SEALED AND DELIVERED by Yee Han CHEONG



Yee Han Cheong

in the presence of:



Witness

.....

SIGNED SEALED AND DELIVERED by Andrew Lawrence JARRETT


Andrew Lawrence Jarrett

in the presence of:

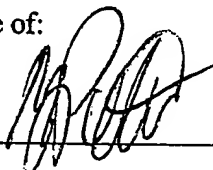

Witness

=====

SIGNED SEALED AND DELIVERED by Shefik BEY


Shefik Bey

in the presence of:


Witness

=====

SIGNED SEALED AND DELIVERED by Anthony Roger EUSTACE


Anthony Roger Eustace

in the presence of:


Witness

=====

SIGNED SEALED AND DELIVERED by Matthew James PETTIT

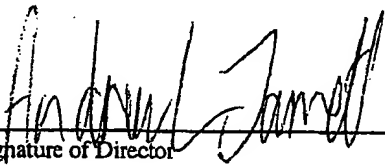

Matthew James Pettit

in the presence of:


Witness

THE COMMON SEAL of RED SHERIFF LIMITED

was hereunto affixed by the authority of the Board of Directors and in accordance with its Articles of Association in the presence of:


Signature of Director

ANDREW JARRETT
Name in Print


Signature of Director/Secretary

EMMA STANBOROUGH
Name in Print